

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 NORTHERN DIVISION

4 UNITED STATES OF AMERICA)
5 Plaintiff,)
6 v.)Criminal No. 21-cr-351-GLR-2
7 GEORGE FIELDS)
8 Defendant.)

9
10 Baltimore, Maryland
11 June 9, 2023
12 2:05 p.m.

13 THE ABOVE-ENTITLED MATTER CAME ON FOR
14 SENTENCING HEARING
15 BEFORE THE HONORABLE GEORGE LEVI RUSSELL, III

16
17 APPEARANCES

18 On Behalf of the Plaintiff:

19 KIM OLDHAM, ESQUIRE
20 ADEYEMI ADENRELE, ESQUIRE

21 On Behalf of the Defendant:

22 CHRISTOPHER J. PURPURA, ESQUIRE
23 TERESA WHALEN, ESQUIRE

24 Also Present:

25 FRANCISCO REGO, FBI
26 MANISHA GARNER, PROBATION

27
28 (Computer-aided transcription of stenotype notes)

29 Reported by:
30 Ronda J. Thomas, RMR, CRR
31 Federal Official Reporter
32 101 W. Lombard Street, 4th Floor
33 Baltimore, Maryland 21201

1 (2:05 p.m.)

2 **THE COURT:** Ms. Oldham, why don't you call the case
3 for me, please.

4 **MS. OLDHAM:** Thank you. Good afternoon, Your Honor.
5 Kim Oldham and Adey Adenrele on behalf of the United States,
6 calling United States v. George Fields, 21-0351, here for
7 sentencing.

8 **THE COURT:** All right. Who else is with you?

9 **MS. OLDHAM:** Adey Adenrele, Your Honor, from my
10 office, and also from the FBI are Agent Francisco Rego.

11 **THE COURT:** Thank you very much. Ms. Whalen, always a
12 pleasure.

13 **MS. WHALEN:** Thank you, Your Honor. Good afternoon.
14 Teresa Whalen and I'm here on behalf of Mr. Fields.

15 **MR. PURPURA:** Your Honor, good afternoon. Christopher
16 Purpura on behalf of Mr. Fields.

17 **THE COURT:** Mr. Purpura, always a pleasure, sir, and
18 Mr. Fields, good afternoon to you, sir.

19 **THE DEFENDANT:** Good afternoon to you.

20 **THE COURT:** You can go ahead and have a seat. We are
21 here for the purposes of sentencing. Mr. Fields pled guilty to
22 two counts of an indictment pending against him charging him
23 with Count 1, Hobbs Act robbery in violation of Title 18,
24 United States Code 1951(a); as well as Count 3, using,
25 brandishing, and discharging a firearm during a crime of

1 violence resulting in death in violation of Title 18 United
2 States Code § 924(c) and 924(j).

3 I have had the opportunity to review the presentence
4 report that was generated in this case. I will also
5 acknowledge that I've had the opportunity to review the
6 Defendant's supplemental sentencing memoranda as well as the
7 Defendant's sentencing memoranda. I've also reviewed the
8 Government's sentencing memoranda as well as the victim witness
9 statements and attachments, which included those of the
10 victim's mother and various photographs of the deceased engaged
11 in athletics and other athletic events.

12 Mr. Fields, you've had the opportunity to review the
13 presentence investigation report in this case; is that correct?

14 **MS. OLDHAM:** Yes.

15 **THE COURT:** And have you had the opportunity to speak
16 with your attorneys about that report?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** Mr. Purpura, could you bend that
19 microphone down to him and have him speak into it.

20 Were all of your questions answered related to that
21 report.

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** I've had the opportunity to review that
24 report as well. I note, Ms. Whalen, that there aren't any
25 objections to that report; is that correct?

1 **MS. WHALEN:** There was only one -- well, there's a
2 couple of requests.

3 **THE COURT:** Right.

4 **MS. WHALEN:** The first is that probation amend
5 Paragraph 66, I believe it's on Page 18.

6 **THE COURT:** Right.

7 **MS. WHALEN:** To note that that charge is the same or
8 instant offense as this case so it's not confusing.

9 **THE COURT:** Any objection?

10 **MS. OLDHAM:** No, Your Honor.

11 **THE COURT:** All right. To the extent we can get that
12 amended that will be great.

13 **MS. GARNER:** I will, Your Honor.

14 **THE COURT:** Okay, thank you. What's next?

15 **MS. WHALEN:** And the other is that I have provided
16 some medical records I was able to collect to Ms. Garner and
17 we're asking that she either amend the presentence report to
18 incorporate those or attach those medical records with the
19 presentence report.

20 **THE COURT:** All right. Very well. I'll ask that as
21 well to the extent it is convenient to you, Ms. Garner.

22 **MS. GARNER:** I can do that.

23 **THE COURT:** Thank you. Other than that, there are no
24 objections to the presentence investigation report; is that
25 correct?

1 MS. WHALEN: That's correct.

2 THE COURT: All right. Thank you. I note there's no
3 objection as to the sentencing guidelines. The base offense
4 level is 43 because of a murder cross-reference pursuant to
5 2A1.1(a) and 2B3.1(c)(1) as a result of the murder of
6 Mr. Daniel, minus two levels for acceptance of responsibility.
7 The Government is making a motion for an additional one level
8 because of the Defendant's timely acceptance of responsibility;
9 is that correct?

10 MS. OLDHAM: Yes, Your Honor.

11 THE COURT: That reduces the offense level to 40;
12 minus -- in looking at the Defendant's criminal history, he has
13 a criminal history -- he has accumulated 19 Criminal History
14 Category points. So that puts him at Criminal History Category
15 IV, which puts him at a guideline range -- although technically
16 in the guidelines as to Count 1 will be 244 months, which is
17 the maximum penalty allowed by the statute. There's 120-month
18 sentence that comes along with conviction as to --
19 consecutive -- that comes along with the conviction as to Count
20 3.

21 Ms. Oldham, you got a question?

22 MS. OLDHAM: Your Honor, working off of the revised
23 presentence report that was dated November 7, 2022. With
24 respect to Count 3, the guidelines are actually 360 months to
25 life with the offense level being 40, Criminal History Category

1 VI.

2 THE COURT: Okay, 360 to life.

3 MS. OLDHAM: Yes. Originally, Your Honor, in the
4 first presentence report it did state what Your Honor indicated
5 that it was simply 10 years consecutive.

6 THE COURT: Right.

7 MS. OLDHAM: However, there was the subsequent change
8 and I believe both defense counsel and I, when we submitted our
9 sentencing memoranda, were both working off of that first one.

10 THE COURT: All right.

11 MS. OLDHAM: So that's why there was the confusion.

12 THE COURT: All right. Understood. So it's 360 to
13 life as offense level 40, Criminal History Category VI -- yes,
14 Ms. Whalen?

15 MS. WHALEN: I just want to, I think, clarify,
16 hopefully I do. Count 1 is 240 months; Count 3, 360 to life.

17 THE COURT: Count 1 is --

18 MS. WHALEN: Because it's a 20-year max.

19 THE COURT: Oh, right, Count 3 is 360 to life; is that
20 correct?

21 MS. WHALEN: Yes.

22 MS. OLDHAM: Yes.

23 THE COURT: Right. And Count 1 is 240 months, right.
24 But of course that's the guideline range. It's a 10-year
25 consecutive sentence, at least minimum mandatory 10-year

1 sentence that comes along with it --

2 MS. WHALEN: Yes.

3 THE COURT: -- but because of the resulting in death
4 it's 360 to life.

5 Madam deputy, did you get that?

6 THE CLERK: Yes, Your Honor.

7 THE COURT: All right. Supervised release range
8 between one to three years as to Count 1 and two to five years
9 as to Count 3; a fine range between 50,000 and 250,000 as to
10 both counts; a special assessment in the amount of \$100.

11 Is that an accurate characterization of the sentencing
12 guideline range in this case?

13 MS. OLDFHAM: Yes, Your Honor.

14 THE COURT: All right. Ms. Whalen?

15 MS. WHALEN: Yes, Your Honor.

16 THE COURT: All right. I'm going to give -- well,
17 because of our numbers -- all right. What we'll do is this
18 portion of the proceeding will be sealed and shall remain
19 sealed until I order otherwise.

20 Ladies and gentlemen of the audience, I'm going to ask if
21 you're not affiliated with law enforcement or not affiliated
22 with this case, I'm going to ask that you step out into the
23 hallway for a minute. There are matters that we need to take
24 up outside your presence. I promise you, once I finish taking
25 care of this under-seal matters, I'm going to invite you back

1 in and not begin the continuation of the sentencing without
2 everyone being present.

3 So with that, I'm going to ask that folks end up following
4 the courtroom deputy. You can go out in the hallway and we
5 will grab you as soon as we conclude.

6 There should be a latch at the top or bottom that you
7 should be able to close it completely. There we go.

8 (It is the policy of this court that every guilty
9 plea and sentencing proceeding include a bench conference
10 concerning whether the defendant is or is not cooperating.)

11 **THE COURT:** All right. Let the record reflect that
12 members of the public are back in, and we are ready to proceed.

13 Ms. Oldham, as I've indicated, I had the opportunity to
14 review your sentencing memoranda. I've also had the
15 opportunity to review the victim impact statement, and as well
16 as recordings that -- of the events that occurred that evening
17 and in the unfortunate and senseless loss of a young man's
18 life. But I'll be more than happy to hear from you and I defer
19 to you with regard to the presentation of your elocution.

20 **MS. OLDHAM:** Thank you, Your Honor. Your Honor, if I
21 could first start with the victim impact statement.

22 **THE COURT:** Yes.

23 **MS. OLDHAM:** Rochele Cunningham, she's the mother of
24 Jordan Daniel.

25 **THE COURT:** Ms. Cunningham -- why don't you direct

1 her, Ms. Oldham --

2 **MS. OLDHAM:** Yes.

3 **THE COURT:** -- to where you need her to go.

4 All right. Ms. Cunningham, if you could, if you don't
5 mind, could you please state -- take a deep breath and look at
6 me, all right. Could you please state and spell your full
7 name, for the record.

8 Would you like to sit down, ma'am? Because we can pull a
9 chair up for you, and you can sit and speak into the microphone
10 because that might be a little bit easier. And I want to say
11 at the outset, I'm sorry for your loss.

12 All right. So if you could please state and spell your
13 full name.

14 **MS. CUNNINGHAM:** My name is Rochele Cunningham.

15 R-O-C-H-E-L-E, C-U-N-N-I-N-G-H-A-M. My married name is Daniel,
16 D-A-N-I-E-L.

17 **THE COURT:** Ms. Cunningham, Ms. Daniel, I'll be more
18 than happy to hear from you. Once again, I'm really sorry for
19 your loss.

20 **MS. CUNNINGHAM:** Thank you, Your Honor.

21 **THE COURT:** If you can, if you speak clearly into that
22 microphone because we've got one of the very best court
23 reporters here, and she's taking down everything that you say.

24 **MS. OLDHAM:** She just needs her glasses, Your Honor.

25 **THE COURT:** Okay. Yeah, I need my glasses, too.

1 Ms. Cunningham, take your time and take a deep breath if
2 you need it. We're here for you.

3 **MS. CUNNINGHAM:** Your Honor --

4 **THE COURT:** I want every word that you say heard. I
5 want every word that you say -- a record of it heard. So take
6 your time. Take a deep breath, all right. Go ahead.

7 **MS. CUNNINGHAM:** Your Honor, this is my son Jordan
8 Daniel. He meant everything to me, Your Honor. He was only 16
9 years old. Jordan wasn't a bad child. He wasn't violent or
10 anything. With this activity that happened at night, I knew
11 nothing about it, Your Honor. I was at work. Had I known
12 anything about this I would -- it would have never happened,
13 Your Honor.

14 I want to tell you, first, I want to tell you about my son
15 Jordan Daniel. Not only was Jordan my son, he was one of my
16 best friends, Your Honor. My son was a good young man.

17 Jordan was attending Patterson Senior High School and he
18 pass all his grades. And I submitted you his report card.

19 Jordan was a basketball player since he was in the 4th
20 grade. All the way through high school, he was one of the
21 number one players at Patterson High School. Jordan played
22 basketball with several outside leagues where we traveled many
23 places. We went to different schools in the cities and states
24 and championship games.

25 Jordan received several awards, trophies, medals, and

1 honors from being one of the top players in basketball. Jordan
2 was presently working at Sonic on Pulaski Highway. That's why
3 I don't understand -- he was there part-time after school.

4 Jordan would buy me little gifts or take me out when he
5 got paid. Jordan started working with the YouthWorks for
6 Baltimore City jobs since he was 14 years old. And he received
7 certificates for the work that he had done. Jordan worked at
8 Rita's and Burger King.

9 Jordan also loved to rap. He had several rap songs where
10 he would go to the studio.

11 Jordan was loved and cherished by many people. He was
12 just a typical 16 year old that never got into trouble.

13 Jordan was such a great student at Patterson High. They
14 gave him and another child a memorial service. The councilman
15 came, the school directors from North Avenue, the teachers came
16 to celebrate Jordan's life.

17 Your Honor, I was not aware of this activity with Jordan.
18 If I would have known I would have been there.

19 At this time in Jordan's life, Your Honor, Jordan
20 completely lost himself. He was going through so many changes,
21 especially his father and us separating after 14 years. The
22 family went our separate ways. Jordan took it hard and my
23 other son. And then January 11th, 2020 Jordan's father was
24 killed. My whole family was devastated. Jordan lost himself
25 from that point on. He just went downhill. He would stay in

1 the basement and not go outside. He stopped playing basketball
2 for a while. I would talk to Jordan constantly and try to get
3 him to go to therapy. The coaches would talk to him.

4 When Jordan started going back to school his principal
5 called me and told me Jordan started hanging with the wrong
6 crowd. I had a close relationship with his school and his
7 principals, any time they needed me I was always there. At
8 this time the coach told Jordan if he did not stop hanging with
9 the wrong crowd they were going to make him sit at the games.
10 I talked to Jordan about his school, and I popped up and would
11 visit often. But this night this happened, Your Honor, I was
12 at work. I had to work overnight, Your Honor.

13 I FaceTimed Jordan 9:00 that night, and I said, "Jordan,
14 are you in the house?" He said, "Yeah, Ma."

15 My another son called me the next morning saying Jordan
16 wasn't in the house.

17 Then the school called me that Jordan wasn't in the house
18 for the virtual classes. I left work immediately. When I got
19 home, I called the jails, I called friends, and hospitals
20 because this wasn't Jordan normal.

21 I called the hospital, they said they ain't had nobody.
22 And the whole time Jordan was at Johns Hopkins fighting for his
23 life, Your Honor. Jordan didn't have no idea, nothing to
24 help -- so he couldn't tell him who he was.

25 So many thoughts just wonder daily in my mind, was Jordan

1 suffering at the hospital. He needed my help, Your Honor. I
2 wonder was he taken care of the right way at the hospital. I
3 didn't get a chance to be there with him or see him, Your
4 Honor.

5 Jordan passed away September the 29th, 2020. And the
6 detectives called me September 30th at 1:00 in the morning,
7 said "We found Jordan." My whole world stop, Your Honor. My
8 whole life is just incomplete, Your Honor. How do I go on with
9 my life without my son.

10 Your Honor, Jordan birthday was October the 9th, 2020. Do
11 you know what I was doing October the 9th? I was burying my
12 son's body on his birthday.

13 How do I continue my life without my son? All I do is
14 work and go home. I pray to God every day to give me strength
15 to make it, Your Honor. My son told these guys, I'm not trying
16 to die, and they still killed my son. He was not trying to
17 die. No mother should have to bury their children.

18 Your Honor, I have to go through this three times. I have
19 to go to court two more times. How do I put this past me? Out
20 of all three of three men, nobody tried to save my son. Nobody
21 told the other man to stop or anything. My son is just gone,
22 and I just want justice for my son. My son didn't have a
23 chance to choose his life. It was just taken away.

24 These people, they still have a life for theirself [sic].
25 Even if they're locked up, they can still work in jail. They

1 can still talk to their families or send letters home,
2 communicate with their children if they have any. I can't no
3 more, Your Honor. I can't see my son no more.

4 It's not right.

5 **THE COURT:** Ms. Williams, here's what I'm going to do.
6 I'm going to take a five-minute break -- 10-minute break. If
7 we could let her know that I feel her pain. Every single
8 person in this court feels that pain. We're going to take a
9 break. Thanks.

10 (There was a break at 2:40 p.m. to 2:50 p.m.)

11 **THE COURT:** All right. Ms. Oldham, if you would like,
12 I'll hear from you or anyone else you wish me to hear from.

13 **MS. OLDHAM:** Yes, Your Honor. A family friend, Antony
14 Logan, is going to read two of the additional impact statements
15 for the Court as well.

16 **THE COURT:** Okay. Ms. Logan, I'll be more than happy
17 to hear from you. If you could please state and spell your
18 name.

19 **MS. LOGAN:** Antonese Logan. A-N-T-O-N-E-S-E,
20 L-O-G-A-N.

21 **THE COURT:** Ms. Logan, I'll be more than happy to hear
22 from you.

23 **MS. LOGAN:** To whom it may concern, as a coach and
24 mentor, I have known Jordan for over six years. In that time I
25 have watched him mature and grow as a young man and student

1 athlete. Jordan joined my team in 2016 willing to learn and
2 always showed a positive attitude. He was known by the
3 basketball community as the quiet kid that plays hard all the
4 time. Jordan applied the same energy during team workouts as
5 he did at the game. He gave 100 percent and rarely skipped
6 practice or missed an opportunity to get into the gym. Jordan
7 treated his coaches and teammates with the utmost respect.

8 There was a time I invited the team to my home for a
9 workout and Jordan showed up at 9:00 a.m. sharp. After that,
10 it wasn't uncommon for him to just stop by or hang out with my
11 sons. He never gave me a hard time and was always welcome.
12 Jordan was a humble kid with a good work ethic.

13 We were all shocked to hear about his passing. To honor
14 his memory we dedicated each practice and each game to him.
15 Jordan will be missed. And it was signed by his teammates and
16 coach.

17 **THE COURT:** Thank you.

18 **MS. LOGAN:** To whom it may concern, Jordan Daniel was
19 in my prekindergarten class at Garrett Heights Elementary
20 Middle School. He was intelligent and well liked by everyone.
21 I watched him grow into a caring young man who loved his
22 family. Jordan was well supported by his entire family and
23 treated others fairly. He didn't bother anyone. He made no
24 assumptions about other people and took others at face value.

25 Jordan was a friend to everyone, and I often saw him

1 interacting with others with human respect. Jordan was
2 confident, protective of his family, and a fun-to-be-around
3 person. All of his teachers loved him because he worked hard
4 in school and did not cause problems. He was on his way to
5 being a productive member of society.

6 I love and miss Jordan and often think of what a positive
7 impact he would have had on society as an adult.

8 **THE COURT:** Thank you very much.

9 **MS. OLDHAM:** Thank you, Your Honor.

10 **THE COURT:** Yes, Ms. Oldham.

11 **MS. OLDHAM:** Your Honor, the Government's ultimate
12 recommendation is that the Court impose a sentence on Count 1
13 of 240 months which is the maximum, 20 years, and with respect
14 to Count 3 that the Court impose a sentence of 300 months, or
15 25 years, to run current to Count 1.

16 I know Your Honor knows from the guilty plea hearing and
17 the agreed statement of facts in support of the plea that
18 Jordan Daniel was set up to be robbed by Mr. Fields and his
19 co-defendants.

20 With respect to the nature and circumstances of this
21 offense, I know that Your Honor had an opportunity to review
22 Government's Exhibit 1, which was a short 45-second clip of the
23 surveillance footage outside of the American's Best Value Inn,
24 which showed a clip of the crime.

25 Before what transpires in this clip happened, Your Honor,

1 there was a fair amount of planning of this robbery. The right
2 victim had to be selected. The right victim had to be lured to
3 the location. Jordan Daniel was an easy target because
4 Mr. Fields and his co-defendants knew that he would have drugs
5 on him and most likely money. He had been to the America's
6 Best Value Inn parking lot earlier in the evening.

7 Before Jordan Daniel arrives on that 45-second clip, Your
8 Honor, in the van of co-defendant Deron Johnson, what the
9 surveillance footage shows is Mr. Fields and Mr. Williams sort
10 of, you know, pacing around waiting. The plan is in motion at
11 that point, they're simply waiting for Jordan Daniel to be
12 brought to them.

13 And as many of the victim impact statements mentioned, and
14 as Your Honor can see from the photos that were displayed by
15 family members, Jordan Daniel had a love of basketball. And
16 one of the victim impact statements mentioned how his mother
17 was his number one fan.

18 Now, what brought him to the parking lot was a drug deal.
19 He, for whatever reason, despite the fact that he had the
20 part-time job at Sonic, was out there in these early morning
21 hours trying to make extra money by selling drugs.

22 But what you should have been able to see in that
23 45-second clip and what Mr. Fields had to have seen was that
24 Jordan Daniel, upon arrival, was not a tough, hardened
25 criminal. Jordan Daniel, upon arrival, was this young, skinny

1 kid.

2 **THE COURT:** He's a kid who's exercising really poor
3 judgment but was a good kid.

4 **MS. OLDHAM:** Yes.

5 **THE COURT:** And his mother loved him, his coach loved
6 him. He did dumb stuff just like 16-year-olds and 15-year-olds
7 do. But these were grown men who did this to him and they
8 could have stopped it.

9 **MS. OLDHAM:** Yes.

10 **THE COURT:** I get it. And I don't say that to make
11 anyone upset but that's what the reality is.

12 **MS. OLDHAM:** Yes, it could have been stopped, Your
13 Honor, during that brief clip, the short period of time in
14 which Jordan Daniel is struggling and during which Mr. Fields
15 and his co-defendants are wrestling with him, trying to keep
16 him pinned down. This was not a crime that happened in a split
17 second. This was not a crime that happened and Mr. Fields had
18 no idea what was going on it just happened so quickly.

19 It seems like it goes on forever, the amount of time that
20 both of the men, Mr. Williams and Mr. Fields, are struggling to
21 keep Jordan Daniel down.

22 **THE COURT:** Well, Mr. Fields was high as a kite and
23 that's not an excuse.

24 **MS. OLDHAM:** I understand.

25 **THE COURT:** That's why he's sitting in that chair

1 right now because of his life-long drug addiction, which as a
2 result ended up having him exercise extremely poor judgment and
3 engage in a failed robbery. For Pete's sake, they came back to
4 the hotel in the same car. I mean, how silly is that? None of
5 them -- they were out of their minds on narcotics. And that's
6 what caused him to do this -- make these poor decisions in the
7 first place.

8 I mean, you know, it's -- it's heartbreakng to see that.
9 And then to read the well-written sentencing memoranda on this
10 because I do believe, based upon his criminal history, he was
11 out of his mind on narcotics. But, you know, that's no excuse,
12 Ms. Oldham, and I hear you. I really do.

13 **MS. OLDHAM:** And I will touch upon that aspect of
14 Mr. Fields's history, Your Honor, which certainly the
15 Government takes into consideration in its recommendation.

16 One last thing on the crime itself and the aftermath, as
17 Your Honor touched upon, in the more immediate aftermath of the
18 crime, after Jordan Daniel is shot by Mr. Williams, none of the
19 three men, Mr. Williams or the co-defendant, appear to pay
20 attention to or care about the fact that he is stumbling
21 through the parking lot and eventually collapses. Their main
22 concern is that van and getting back into it and getting out of
23 the area. Not one, not one seemed to even look over their
24 shoulder and see what happened to him.

25 With respect to the history and characteristics of

1 Mr. Fields, yes, he has a very long criminal history, which is
2 why he ends up with a category VI. What that criminal history
3 shows, in addition to the fact that many of those convictions
4 are drug related, it also shows very little confidence in his
5 ability to rehabilitate in the sense that it's years and years
6 worth of him refusing to abide by the most serious rules, the
7 laws in the community, but then also just -- he won't abide by
8 the simple rules of probation. It's one violation after
9 another and it's been going on for years.

10 So the Government takes this into account because it sort
11 of bleeds into the other factors that we take into
12 consideration under 18-3553(a), which is the need for
13 deterrence, the need to protect the community from further
14 crimes of Mr. Fields.

15 So for that reason our recommendation is still a
16 significant one but yet it's under the overall guidelines of
17 360 months to life because we recognize his need for substance
18 abuse treatment while incarcerated and the fact that it was a
19 driving factor of this particular crime.

20 Lastly, Your Honor, I'll just touch upon a factor that was
21 the subject of the Defendant's supplemental memorandum in aid
22 of sentencing filed yesterday addressing unwarranted
23 disparities in sentencing, listing what they believe are
24 similarly-situated defendants with varying sentences.

25 I was reading a case, Your Honor, before coming to court

1 so I did not submit anything but I do want to place the cite on
2 the record. It's *United States v. Sueiro* out of the Fourth
3 Circuit from February of 2023. And it's a Westlaw cite 2023
4 Westlaw 1486311. And the Court in *Sueiro* was talking about the
5 danger of comparing a recommendation in a particular case with
6 sentences that other defendants really received in unrelated
7 cases. And the reason why it's so dangerous is because there's
8 so many unknowns in the list of cases that are cited by the
9 defense. There's so many unknowns about those cases and the
10 reasons for the specific recommendations made and the sentences
11 imposed by the Court, but each sentencing hearing is so
12 individualized.

13 So the court in *Sueiro* was saying the sentencing judge is
14 not required to do this sort of comparison or balancing test
15 because you just don't know. And the fact that addressing
16 unwarranted disparities is achieved by simply taking into
17 account what the guidelines are in a particular case, which
18 Your Honor is doing, and we're all doing here today.

19 So for those reasons, Your Honor, the Government's
20 recommendation which we believe is sufficient but not greater
21 than necessary to achieve those goals of 18-3553(a) is an
22 overall sentence of 300 months or 25 years for Count 3 to run
23 concurrent to the maximum penalty in Count 1, which would be 20
24 years.

25 **THE COURT:** Is restitution being sought?

1 **MS. OLDHAM:** There is no restitution, Your Honor. The
2 funeral expenses for Jordan Daniel were covered by the Maryland
3 Injuries Compensation Board so there is no restitution.

4 **THE COURT:** Thank you very much.

5 Ms. Whalen, I'll be more than happy to hear from you.
6 I'll defer to you regarding your presentation.

7 **MS. WHALEN:** Thank you, Your Honor. If I may, may I
8 use the podium?

9 **THE COURT:** You can.

10 **MS. WHALEN:** Sometimes I think my voice gets lower.

11 **THE COURT:** Absolutely.

12 **MS. WHALEN:** Your Honor, I'd like to start, if I may,
13 with some more housekeeping type issues, rather than what I'm
14 really hear to discuss, the more important things, just to get
15 them out of the way, if I might. And that is first I just want
16 to address the Government's recommendation of 25 years. We
17 submitted to Your Honor those other cases as comparisons for
18 Your Honor to consider ranges and information. I'm the first
19 to say that every defendant is different, every case is
20 different, but there are some similarities in cases that can be
21 looked at to glean what is the sort of culture of sentencing
22 here in this district, what recommendations do the U.S.
23 attorneys make in certain cases, and individuals who do certain
24 things who are not the actual perpetrator or shooter, but had
25 some involvement in the crime for which our law makes them as

1 guilty and as the principal in the first-degree. All of those
2 factors, I think, are important to assess what is fair for
3 Mr. Fields so we presented them. There are many others, I'm
4 sure, I didn't have much time and so Mr. Purpura and I were
5 relying on cases we knew specifically so that we could try to
6 be clear on facts. And we see with some of the factors that
7 Mr. Fields has that there is a range that is somewhere in the
8 neighborhood of 180 months, maybe that's too low based on the
9 circumstances of that case, all the way up to 220 months, which
10 is less than the 25 years that the Government is asking for.
11 So I just ask you to consider that.

12 **THE COURT:** Then there was one I sentenced a person to
13 300 months.

14 **MS. WHALEN:** You did, Your Honor, yes.

15 Sort of what I saw in these cases was 25 years appeared to
16 be individuals who usually are the actual shooter or whatever
17 it may be, whether it be -- the principal of the first-degree,
18 let's put it that way, and to have not done anything to make
19 greater amends so to speak, as Mr. Fields has done.

20 Having said that, I also want to just -- so that I say it
21 now because I think it's less important than the real crux of
22 what's happening here, and that is we're going to be asking for
23 residential drug treatment, although we recognize he will not
24 be eligible to earn credit up to a year off but he will
25 certainly benefit. We would recommend vocational

1 rehabilitation and mental health treatment.

2 So with that, Your Honor, I really want to turn to what's
3 more important here and that is first to -- I think from this
4 side of the courtroom, from the bottom of our heart, we thank
5 Ms. Cunningham and the others for not holding back and for
6 expressing the raw emotion that is there after two years, more
7 than two years, from the death of her son, their nephew, their
8 loved one. It is not lost by any stretch of the imagination by
9 Mr. Fields. And I will endeavor to point that out in what
10 little way that we can because Your Honor knows I've been here
11 before and, frankly, there is not a thing I can say, not a
12 thing Mr. Fields can do or say to take the pain away.
13 Regardless of how much he may want to do so, he can't, he
14 absolutely can't.

15 And so one aspect of this sentencing hearing and one
16 aspect of punishing is to make him feel as this family did the
17 raw pain that they're going through. And so I sincerely mean
18 thank you for that.

19 Mr. Fields had a completely different upbringing than it
20 sounds as if Mr. Daniels was lucky to have. He's now almost 50
21 years old. Yes, he has had a long history of being in and out
22 of the criminal justice system. That history is mostly to his
23 credit, although there's no credit really, but that history is
24 mostly misdemeanor theft charges, drug charges, and the felony
25 that we see on his record is drug dealing. It is, as Your

1 Honor pointed out, if there were no drug addiction he would not
2 be here.

3 He had a childhood in which he was abandoned by his
4 father. His mother had a serious heroin addiction. He was
5 sent often to an aunt's home who he later learned also was
6 using heroin with his mother. So while she may have been a
7 better person to care for Mr. Fields and the others, she was
8 certainly not what we would hope a mother could do for -- in
9 nurturing their children.

10 He ended up dropping out of school in the ninth grade.
11 Later was successful in getting his GED and was successful in
12 getting some college credits.

13 He had a period of time in his life -- he was using drugs
14 at a very, very young age. Lived in an environment of abuse in
15 his own home through his mother's boyfriend, which appeared to
16 be abuse that led not just abusing his mother but abusing
17 Mr. Fields and the other children, which also led from him
18 being taken out of the home and going to the aunt's home.

19 He's had some time over the many years to try to reflect.
20 While living as a child he did not know that there was a drug
21 addiction in the home. Later he realized it and realized that
22 the chaotic and abusive nature of his childhood and into early
23 adulthood was probably, likely, related again to the very same
24 thing that brings him here today.

25 He had a period of time in his life where he was not

1 consumed by drugs, let's put it that way, in the addiction with
2 drugs, where he was working. He became a union representative.
3 He was excelling in life. Although that didn't last very long,
4 a few years in his life, when he kind of hooked up if you will
5 with an old girlfriend who was seriously addicted to heroin and
6 Mr. Fields lapsed right back into it and was the serious addict
7 that he strove to get away from and to conquer and went through
8 many different treatment programs and never conquered the
9 addiction for only but a short period of time.

10 What led to this horrible night was -- again, he was doing
11 well. He had been released from prison in 2019. He had
12 reconnected with family and friends. He was living with his
13 mother. He voluntarily entered Turning Point drug treatment
14 really as a -- an effort to make sure he didn't go into the
15 serious addiction immediately with heroin and wanted some help
16 not only with counseling but with methadone to prevent -- it
17 was a preventative kind of act. Whether that in retrospect was
18 the right thing to do or not it's unclear. However, he was
19 taking steps at that time to really make sure that, as already
20 a grown man, he did not relapse. But that didn't happen.

21 He did well for a while. He hooked up with a pastor of
22 his church. Did well there. Got a job at Amazon. After the
23 job at Amazon he was working at Family Dollar. He basically
24 was trying to get out of the rut that he put himself in. It
25 was more -- really more of a hole. A rut is mildly saying what

1 was going on in his life.

2 Unfortunately, two weeks before Mr. Daniel's horrible
3 death, two weeks before, Mr. Fields spiraled out of control.
4 He met, again, a prior friend who was staying at that hotel,
5 who was as addicted as, I would say, Mr. Fields was or more so.
6 And the two of them were on a two-week spree. Your Honor is
7 correct, Mr. Fields was higher than high for a long period of
8 time, including the whole 24 hours before this incident
9 happened.

10 Mr. Williams knew Mr. Fields. They knew each other. My
11 client had purchased from him before. My client did not really
12 know Mr. Johnson who was the individual who lured Mr. Daniels
13 to the hotel. Mr. Fields did not know Mr. Daniels.

14 And what was unfortunately the kind of catalyst that
15 brought this all to a head is Mr. Fields dangled off what he
16 knew would be easy for Mr. Fields -- Mr. Williams dangled out
17 what he knew would be easy for Mr. Fields to jump. That was, I
18 can get you a free fix, we have an easy mark, an easy target.
19 And Mr. Fields will be the first one today, I think, to say how
20 foolish that was, and if he could take it all back he would
21 take it all back but he can't.

22 He went along with it. He had no idea Mr. Williams had a
23 gun. He had no idea the age of Mr. Daniels. And I can tell
24 Your Honor that that is something that has -- you can see --
25 the age of Mr. Daniels is about the age of my client's --

1 roughly three of his four children. And it haunts him that he
2 was involved in this. As it should, frankly. And, again,
3 that's why I started this part of my elocution by saying he
4 needs to hear the raw pain. He knows that.

5 So on that night he went along with it. While the video
6 of 45 seconds, not all of that being specifically zeroed in on
7 the attempted and possible actual robbery of Mr. Daniels, that
8 part was significantly less. In the minds of us watching, it
9 seems like it's going on forever. In the minds of the people
10 who are high and doing it, it's a split second. And I would
11 suggest that Mr. Fields had a split second of what was
12 happening and when it went a way in which he didn't anticipate,
13 but perhaps he should have, he couldn't have taken any steps to
14 change the situation. Although, again, he now is haunted by
15 the fact he didn't.

16 Ms. Oldham is correct. No one did anything afterwards and
17 again for that action my client recognizes now, as a sober
18 person, how horrific that is.

19 Essentially, what Mr. Fields did is join in in an evil
20 act. But his history, I would suggest, and his true remorse
21 shows he is not an evil man. There is something redeeming that
22 he needs to work on in prison while being punished. But he
23 needs to work on so that he can live with himself.

24 I would like to -- I have received permission from
25 Mr. Fields to read a portion of a letter to me. And the reason

1 I read this is not as an excuse, not as anything other than
2 what it is. And many times when you come into court for these
3 hearings someone -- an individual charged has written something
4 out to present to Your Honor in an effort to either -- for his
5 sentencing. I'm not going to pretend, it's also to show the
6 reason why he should get something less.

7 So this letter shows his remorse, not for purposes of
8 sentencing. It was written to me October 4th, 2022. It was
9 written from the detention center having nothing to do with the
10 sentencing. We had no sentencing hearing set or anything.

11 "Teresa, I'm just so overwhelmed with all that is
12 happening. Never in a million years would I have thought my
13 life would have come to this. I've done a lot of things wrong
14 and made many bad, bad decisions, but nothing of this
15 magnitude. This is far from who I am, and I am finding all of
16 this very difficult to deal with. It's not just about what
17 I've done to myself and my family, but also to the victim's
18 family. Hearing the screams come from the victim's family
19 members literally crushed me inside as if it was my family.

20 This was written after the guilty plea.

21 Only God knows how I wished I could get those minutes
22 back. Only God knows how I wished I could get those minutes
23 back right before the incident so it would change the outcome
24 and Jordan Daniels would still be here able to live out the
25 rest of his life. It kills me inside knowing that I was a part

1 of his life being robbed, although it wasn't specifically me
2 who committed that fatal act, I just don't understand how my
3 thoughts and actions led up to all this. I continually ask God
4 to allow Mr. Daniels and his family to forgive me and that I am
5 so sorry and completely broken over this. I feel like I don't
6 deserve to be a parent. I'm sorry for venting."

7 Your Honor, as I said, nothing Mr. Fields can say or do,
8 other than try to understand his conduct and try to live out a
9 life expressing remorse and the anguish that he feels for his
10 part in this, is going to help the situation; but I think he
11 would like to address the Court now to express the same kind of
12 anguish that he is putting himself through.

13 **THE COURT:** All right. Thank you very much,
14 Ms. Whalen.

15 Mr. Fields, you've got the opportunity to speak to me
16 prior to the imposition of sentence. You don't have to say
17 anything to me. In fact, Ms. Whalen read to me a letter, some
18 words that you expressed to her, but if you would like to speak
19 to me I'll be more than happy to hear from you, sir.

20 And if you could, you can stand up for me.

21 **THE DEFENDANT:** To Mrs. Cunningham, the mother of
22 Jordan, and to the family --

23 **THE COURT:** I can't hear you.

24 **MS. WHALEN:** Would it be better if he stood, Your
25 Honor?

1 **THE COURT:** Okay, that's fine if it's better.

2 **THE DEFENDANT:** To Mrs. Cunningham and Jordan's family
3 and friends and those who cared everything about Jordan, I know
4 that I can't say anything that's going to change anything that
5 happened. I'm just -- I'm so devastated over my actions. I
6 just -- I just wished that they believed that this was not my
7 intentions, none of this. None of this was my intentions for
8 them to lose their loved one. If I had it way -- if I had it
9 my way I would give my life right now just so he could be back
10 because right now I'm just feeling so -- I feel like I don't
11 deserve anything at this point. And for him to be such a young
12 man, the last thing I would ever want in life is to take that
13 from him and take it from his family, take any promises, any
14 dreams, anything that he could have lived up to. This is not
15 who I am. And my drug history just -- I just let it spiral out
16 of control. And I made -- I made a very, very poor decision.

17 But I just want to say to the family that I pray every
18 single day, every day that somehow, some way, somehow through
19 this that you all find it in your heart to forgive me because
20 this is not what I wanted to happen. To hear you -- to hear
21 you as a mother cry, to hear the family cry is something that I
22 would never, ever, ever wished on anybody. Anybody.

23 I have a mother myself, I am a parent myself, I have
24 children. So I understand why they feel the way they feel and
25 I understand that I may very well be a monster to them because

1 I probably would feel the same way if I was in their situation,
2 but I don't want to say anything that's going to undermine what
3 happened. I am so, so, so sorry. I am so sorry for what
4 happened. There's nothing I can do. I'm sorry, I'm sorry, I'm
5 sorry, I'm sorry, I'm so sorry. This is not something that I
6 want you all to live with. I don't want you all to live with,
7 and I don't know what I can possibly say. I don't know what I
8 could possibly say to anybody that can change anything or to
9 make you feel just a little bit better than what you felt
10 before you came in here. I'm sorry. I'm sorry to the courts.
11 I'm sorry to the family. I'm sorry to my family. I'm sorry to
12 Your Honor. I'm sorry to the attorneys. I'm sorry to
13 everybody. This is not who I am. I'm sorry.

14 **THE COURT:** All right. Thank you very much. Thank
15 you very much, Mr. Fields.

16 Applying the 3553(a) factors, the Defendant presents as 49
17 years old. He has accepted responsibility for his conduct and
18 he did so in a timely manner. Although he's a ninth grade
19 dropout, he did get his GED while incarcerated and indeed took
20 some college courses. He has four dependent children, some
21 teenage years, 17, 9 and 11. He's divorced. He was raised in
22 financial distress without a father.

23 Of course he was -- the area that he was raised in was
24 drug ridden, and he was subjected to abuse by his then
25 drug-addicted mother and her companion. At some point in time

1 he was almost homeless moving in with various relatives. Not
2 surprisingly, he became in contact with the criminal justice
3 system at a very early age and became ravagely addicted to
4 heroin and other narcotics. This led to mental health issues
5 and continued convictions within our criminal justice system.

6 He is in fair health. He suffered brain aneurysms and all
7 the other ravages that come along with addiction.

8 He's got a very short employment history and no assets.

9 Turning to the nature and circumstances of the offense.
10 It's very serious. The Defendant conspired with others in a
11 drug-induced state to take advantage of a 16 year old by -- a
12 wanna-be narcotics distributor, but he really wasn't a wanna-be
13 at best. He was suffering from some hardship and familial
14 circumstances, having lost his father and his parents being
15 divorced. And he was not like many teenage kids out there just
16 trying to find their own and end up making poor mistakes. He
17 engaged in a grown adults game, that's the drug game. He got
18 lured by grown men who had every intention of robbing him of
19 what would otherwise be a relatively small amount of money. It
20 was a well-planned and well-thought-out and premeditated
21 scheme. Mr. Fields participated in it willingly. The driver
22 participated in it willingly. And although his judgment was
23 clouded by narcotics and other drugs, Mr. Fields was a
24 life-long addict. He knew better. His remorse that he
25 expressed here today I do believe is genuine now that he's

1 sober. The problem is that the damage that Mr. Fields has done
2 is too little too late.

3 The real issue is for the Daniel family and Ms. Cunningham
4 to be able to learn to heal. Their son would not want to see
5 his mom suffer and his family suffer continually and torture
6 herself about what she should or should not have done. It's
7 not her fault. At some point in time she needs to forgive
8 herself because she did everything that she could as a parent.
9 And sometimes bad things happen as parents. It's not your
10 fault. You kept up with his school, you kept up with his
11 teachers, you kept up with all the things you need to keep up
12 with as a parent and sometimes it didn't work out. And there
13 are no words that I can say in this court that are going to
14 bring him back. And there are no words that I can say that are
15 going to provide you with any comfort.

16 But you've got -- you're surrounded by family and friends,
17 and they're going to get you through but you got to first start
18 by forgiving yourself. That's the first thing you do. And
19 it's Friday. And I know that I'm not -- this is Mr. Fields's
20 sentencing -- it's Friday. What I'd like you to do, when you
21 leave here today, is to do something nice for yourself this
22 weekend. The family and friends that are around you and
23 surrounding you now are going to take you out, bring you in and
24 have you celebrate Jordan's life to make the transition of
25 moving on. You've been a strong mom. And everyone in this

1 court heard your words, and they were very powerful. But now
2 it's time to take care of yourself and heal yourself.

3 So it's going to be really important to start that by
4 doing something nice for yourself tonight and this weekend and
5 Sunday to celebrate his life. Because, you know what, I think
6 he would want you to do that. I think he would.

7 Of course it's very serious. Mr. Fields has seen
8 firsthand the devastation that that's caused family and
9 friends. He's seen it. And I will tell you I've seen it. And
10 I know that he's seen it. I know that he wishes, now that he's
11 sober, if he could bring him back he would. He would change
12 his ways. I think he is in need of vocational training and
13 substance abuse treatment and mental health treatment because
14 Mr. Fields has a lot of demons as well. And those demons have
15 to be excised. Once he receives his treatment and training,
16 he'll be at a lower risk of reoffending.

17 I'm also considering the unwarranted sentencing
18 disparities among co-defendants. And although there may be
19 individuals that are similarly-situated. This case presents a
20 very unique case because Mr. Daniels presented as a vulnerable
21 adult. He was a naive 16 year old against three grown men.
22 They knew better and they knew what they had, and they were
23 going to take advantage of him. Now I'm not saying he
24 shouldn't have been out there. Lord knows he shouldn't have
25 been out there. But they saw a teenager, a skinny teenager

1 clearly in over his head, and as seasoned criminals they knew
2 that they could easily take advantage of him, and they did.

3 The guidelines in this case are 240 months as to Count 1,
4 292 months to 365 as to Count 3. Supervised release as to
5 Count 1 is one to three years, supervised release as to Count 3
6 is two to five years. 50,000 to 250,000-dollar fine for each
7 one of those counts. Special assessment in the amount of \$100
8 for each count of conviction, a total of \$200.

9 The sentence that's sufficient but not greater than
10 necessary to comply with the purposes set out in Title 18
11 United States Code § 3553(a)(2) is 240 months as to Count 1.
12 And I am going to impose, and I think it's perfectly
13 reasonable, 300 months as to Count 3 concurrent. Supervised
14 release range of three years as to Count 1, five years as to
15 Count 3.

16 I'm going to recommend residential drug treatment,
17 vocational training, as well as mental health treatment while
18 incarcerated.

19 In addition to the standard and mandatory conditions of
20 supervised release, I am going to impose special conditions of
21 supervised release. Those special conditions will include but
22 certainly are not -- which we'll end up including, you must
23 participate in a vocational services program and follow the
24 rules and regulations of that program, such program may include
25 job readiness training and skills development training.

1 You must provide the probation officer with any access to
2 requested financial information and authorize the release of
3 any financial information. The probation officer may share
4 financial information with the U.S. Attorney's Office.

5 You must participate in a mental health treatment program
6 and follow the rules and regulations. The probation officer in
7 consultation with the treatment provider will supervise your
8 participation in the program; provider, location, modality,
9 duration, intensity, et cetera.

10 You must submit to substance abuse testing to determine if
11 you've used a prohibited substance. And you must not obstruct
12 or tamper with the testing methods. You must participate in
13 the substance abuse treatment program and follow the rules and
14 regulations. The probation officer will supervise your
15 participation in the program; provider, location, modality
16 duration, intensity, et cetera.

17 Understand, Mr. Fields, I'm not going to impose a fine
18 because he doesn't have the ability to pay. Restitution is not
19 being sought. No issues of forfeiture. There will be a
20 200-dollar special assessment imposed.

21 Is there a recommendation regarding Bureau of Prisons,
22 Ms. Whalen?

23 **MS. WHALEN:** No, Your Honor. Thank you.

24 **THE COURT:** Closest to Maryland?

25 **MS. WHALEN:** No, Your Honor. Thank you.

1 **THE COURT:** All right. I'm not going to place a
2 recommendation. Thank you very much.

3 The sentence, Mr. Fields, is below the guideline range,
4 but I think it's nonetheless appropriate in light of the
5 Court's findings under the 3553(a) factors and purposes.

6 Are there any open counts to be dismissed?

7 **MS. OLDHAM:** Count 2, Your Honor.

8 **THE COURT:** Noted and granted.

9 Mr. Fields, you've got 14 days to file an appeal of your
10 conviction, if you believe your guilty plea was somehow
11 unlawful or involuntary or there's some other fundamental
12 defect in your sentence that was not waived by your guilty
13 plea. You may also appeal your sentence if you believe the
14 sentence I imposed is unlawful. And of course you retain any
15 rights not otherwise waived by the guilty plea.

16 The Defendant will remain detained. A judgment and
17 commitment order will be prepared, a statement of reasons will
18 be prepared. And these records, along with the other
19 appropriate records of sentencing, will be filed with the
20 United States Sentencing Commission as well as the United
21 States Bureau of Prisons. The Defendant will be remanded.

22 Ms. Oldham, is there anything else we can productively
23 handle before we conclude?

24 **MS. OLDHAM:** No, Your Honor. Thank you.

25 **THE COURT:** Ms. Whalen?

1 **MS. WHALEN:** No, Your Honor. Thank you.

2 **THE COURT:** Mr. Purpura?

3 **MR. PURPURA:** No, Your Honor.

4 **THE COURT:** All right. Thank you very much. Take
5 care.

6 **THE CLERK:** All rise. This Honorable Court is now
7 adjourned.

8 (Hearing concluded at 3:34 p.m.)

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1 CERTIFICATE OF OFFICIAL REPORTER
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5 I, Ronda J. Thomas, Registered Merit Reporter, Certified
6 Realtime Reporter, in and for the United States District Court
7 for the District of Maryland, do hereby certify, pursuant to 28
8 U.S.C. § 753, that the foregoing is a true and correct
9 transcript of the stenographically-reported proceedings held in
10 the above-entitled matter and the transcript page format is in
11 conformance with the regulations of the Judicial Conference of
12 the United States.

13 Dated this 9th day of August 2023.
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15 
16 Ronda J. Thomas, RMR, CRR
17 Federal Official Reporter
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	1:00 in [1] 13/6	6	26/9 26/15 33/7	26/23
MR. PURPURA: [2] 2/15 39/3	2	66 [1] 4/5	addition [2] 20/3	amend [2] 4/4 4/17
MS. CUNNINGHAM: [4] 9/14 9/20 10/3 10/7	20 [2] 16/13 21/23 20-year [1] 6/18 200-dollar [1] 37/20	36/19	amended [1] 4/12	
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		abusing [2] 25/16 25/16	10/12 13/21 21/1 23/18	
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